IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 28146 of 2007

DATED: 28.12.2007

Between:

Y Ravindranath and ors petitioners

And

The Krishna Zilla Parishad Employees Cooperative Credit Society Ltd,
Chilakalapudi, Machilipatnam,
Krishna District
Rep by its Part Time Person Incharge and Assistant Registrar/
Superintendent,
O/o Divisional Coop officer, Machilipatnam and another
Respondents

THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 28146 of 2007

Oral order:

The present writ petition is filed questioning the proceedings dated 20.12.2007 appointing the election officer to conduct the elections to the first respondent society, as illegal and arbitrary.

The petitioners herein are members of the first respondent society. The Part Time Person Incharge of the first respondent society issued notice dated 23.11.2007 for submission of Photo Identity Cards attested by the concerned officer. The petitioners alleges that the jurisdiction of the first respondent society is entire Krishna district and since individual notices were not given, the members could not submit photo identity cards in time i.e., 5.12.2007. While so, the first respondent issued proceedings dt 20.12.2007 appointing the second respondent as Election Officer. The petitioners contend that in terms of Rule 22 (2) (a) of the A.P. Cooperative Societies Act, 1964 (the Act) the District Collector should be election authority and any employee of the Government is to be appointed as Election officer and the impugned orders dated 20.12.2007 are illegal, since a Retired Deputy Registrar is appointed as Election Officer. Hence, the present writ petition.

The learned Government Pleader for Cooperation submitted that in terms of Rule 22 (1) (a) of the Act, the Government has no role to play with regard to the conduct of elections in respect of societies which are not in receipt of State aid and since no State aid is being provided to the first respondent society, the appointment of second respondent as Election Officer, cannot be said to be illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Co-operation.

Rule 22 (1) (a) of the Act, prescribe that the incumbent managing committees shall themselves conduct and hold elections to societies which are not in receipt of State aid as specified under section 43 of the Act, as per the procedure laid down in their bye-laws well before the expiry of the term of the existing managing committee. Apart from that Section 61(3) of the A.P. Co-operative Societies Act, 1964, states that every dispute relating to, or in connection with any election to a committee of a society shall be referred for decision to the Tribunal having jurisdiction over the place where the main office of the society is situated, whose decision shall be final.

Hence, there are no merits in the writ petition warranting interference of this Court and accordingly, the same is dismissed. However, the petitioners are at liberty to approach the Co-operative Tribunal under Sections 61(3) and (4) of the A.P. Co-operative Societies Act, if so advised. No costs.

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N.V. RAMANA, J.

Dated: 28th December, 2007.

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